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LIBERTY MUTUAL FIRE INSURANCE COMPANY

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 LARGO CONCRETE, INC., a California  
Corporation; N.M.N. CONSTRUCTION,  
15 INC., a California Corporation,

16 Plaintiffs,

17 v.

18 LIBERTY MUTUAL FIRE INSURANCE  
COMPANY, a Massachusetts Corporation,  
19 and DOES 1 through 100, inclusive.

20 Defendants.

21 AND RELATED COUNTERCLAIM

Case No. C07-04651 CRB (ADR)

Hon. Charles R. Breyer  
[Complaint Filed: September 10, 2007]

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE AND  
RELATED DEADLINES**

[Declaration of Frank Falzetta filed  
concurrently]

22  
23 **STIPULATION**

24 This Stipulation is entered into by and between plaintiff Largo Concrete, Inc.  
25 and plaintiff and counterdefendant N.M.N. Construction, Inc. (collectively "Plaintiffs"), by  
26 and through their attorney of record, Nicholas Roxborough Esquire, of Roxborough,  
27 Pomerance & Nye LLP, and defendant and counterclaimant Liberty Mutual Fire Insurance  
28

1 Company ("Liberty Mutual"), by and through its attorney of record, Frank Falzetta,  
2 Esquire of Sheppard, Mullin, Richter & Hampton LLP, with respect to the following facts:

3  
4 WHEREAS, on October 23, 2007, Liberty Mutual filed a Motion to  
5 Disqualify Roxborough, Pomerance & Nye (the "Roxborough firm") from representing  
6 Plaintiffs in this matter;

7  
8 WHEREAS, Liberty Mutual's Motion to Disqualify the Roxborough firm is  
9 currently set for hearing before this Court on December 21, 2007;

10  
11 WHEREAS, December 21, 2007 is also the last day for the parties to meet  
12 and confer regarding their initial disclosures, early settlement, ADR process selection, and  
13 discovery plan, and file a Joint ADR Certification;

14  
15 WHEREAS, January 4, 2008 is the last day for the parties to file their Rule  
16 26(f) Report, complete initial disclosures, and file a Case Management Statement;

17  
18 WHEREAS, the Court has set an Initial Case Management Conference  
19 ("CMC") to occur at 8:30 a.m. on January 11, 2008;

20  
21 WHEREAS, Liberty Mutual cannot participate in the early meeting of counsel  
22 with the Roxborough firm because it believes that the Roxborough firm is ethically  
23 prohibited from representing Plaintiffs adverse to Liberty Mutual in this matter;

24  
25 WHEREAS, until the Court rules on Liberty Mutual's Motion to Disqualify  
26 the Roxborough firm, it is premature for the parties to comply with the pre-CMC deadlines  
27 or participate in a CMC.

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by  
2 and between the parties that:

3  
4 1. The CMC is continued to 8:30 a.m. on February 1, 2008; and  
5

6 2. All other pre-CMC deadlines are continued as set forth in the Court's  
7 September 10, 2007 Order Setting Initial Case Management Conference and ADR  
8 Deadlines.  
9

10 Dated: December 19, 2007

11 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

12  
13 By   
14

FRANK FALZETTA

15 Attorneys for Defendant and Counterclaimant  
16 LIBERTY MUTUAL FIRE  
INSURANCE COMPANY

17 Dated: December 19, 2007

18 ROXBOROUGH, POMERANCE & NYE LLP

19  
20 By   
21

NICHOLAS ROXBOROUGH

22 Attorneys for Plaintiffs and Counterdefendant  
23 LARGO CONCRETE, INC. and  
24 N.MN. CONSTRUCTION, INC.  
25

**ORDER**

26 The Court, having read and considered the foregoing Stipulation, and good  
27 cause appearing therefore,  
28

1 IT IS HEREBY ORDERED as follows:

2  
3 1. The CMC is continued to February 1, 2008; and

4  
5 2. All other pre-CMC deadlines are continued as set forth in the Court's  
6 September 10, 2007 Order Setting Initial Case Management Conference and ADR  
7 Deadlines.

8  
9  
10 Dated: December 21, 2007

